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Customer No. 36038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Seul et al.

Serial No. **10/658,070**

Confirmation No. 4065

Filed: 9/9/2003

For: **Analysis and fractionation of particle near surfaces**

Group Art Unit: 1753

Examiner: S. Vathyam

Response

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Dear Sir:

In response to the Office Action of 12/4/2006, please amend the application as follows and reconsider the rejections in view of the following remarks.

In the Specification

Please enter the substitute specification.

Remarks

The Examiner has stated that Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under Section 371, as detailed in a notice mailed on 3/29/2004. Applicant has now read the notice on PAIR, but never did receive a copy of it in 2004. The notice says, in summary, that the benefit claim made by Applicants was designated as a claim to an application under Section 111(a) rather than Section 371, and that if Applicants want to claim benefit under Section 371, they must present *proof* that the application was a Section 371 application. Applicants note that in their declaration, they claim the benefit of two separate applications (on page 2): PCT/US02/08706 *and* US Application Serial No. 09/813,571. The latter application is an application under Section 111(a), and the former is an International application, of which the present application is the Section 371 US National Stage. The proof of the International Application is in the application papers as filed, as the specification submitted is the published PCT Application (see the first page thereof, clearly showing this fact). If this is not sufficient proof, the Examiner is requested to contact the